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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,305	12/19/2000	Yves Le Gendre	Q62357	3328

7590                    10/12/2004

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[REDACTED] EXAMINER

GARY, ERIKA A

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

2681

DATE MAILED: 10/12/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/739,305	LE GENDRE ET AL. <i>(initials)</i>
	<b>Examiner</b>	<b>Art Unit</b>
	Erika A. Gary	2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 July 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 6, 7, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Fleming, III, US Patent Number 6,697,484 (hereinafter Fleming).

Regarding claims 1 and 7, Fleming discloses a method (and apparatus) for obtaining information regarding an identity of a caller in a terminal of a telephone communications network, wherein the terminal comprises an agent including a program or an application which is stored and activated on the terminal, the method comprising: receiving at the terminal an incoming call from a caller and a telephone number of the caller; selecting at the agent of the terminal at least one external server likely to be able to provide the information regarding the identity of the caller; preparing at the agent of the terminal a request indicating the telephone number of the caller and requesting the information regarding the identity of the caller; and sending from the agent of the terminal the request to the server [fig. 3; col. 5: lines 12-17].

Regarding claims 6 and 12, Fleming discloses the terminal is a mobile terminal [fig. 1: ref. 30; fig. 2; col. 3: line 38].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5, 8-11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming in view of DeFazio et al., US Patent Number 5,940,484 (hereinafter DeFazio).

Regarding claims 2 and 8, DeFazio discloses the agent receiving a response to the request from the server; or if a response is not received at the agent, or if the response is not satisfactory, the agent selecting another server likely to be able to provide said information on the identity of the caller, preparing at the agent another request indicating the telephone number of the caller and requesting the information regarding the identity of the caller, and sending from the agent the other request to the other server [col. 7: lines 17-23].

Fleming and DeFazio are combinable because they are from the same field of endeavor, that is, providing caller data to a called party. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Fleming to include DeFazio. The motivation for this combination would have been to provide a backup means if the external server (remote computer) cannot fulfill the request to identify the caller.

Regarding claim 3 and 9, DeFazio discloses receiving the response or selecting another server, preparing another request, and sending the other request to the other server are repeated if the response to the other request is not received at the agent or if the response to the other request is not satisfactory [col. 7: lines 17-23].

Regarding claims 4 and 10, DeFazio discloses the step of selecting at the agent at least one external server likely to be able to provide said information on the identity of the caller is performed by searching a request file [col. 7: lines 17-23].

Regarding claims 5 and 11, DeFazio discloses the terminal has a data channel and wherein the request is sent on the data channel [col. 8: lines 6-7].

Regarding claim 13, DeFazio discloses the terminal is a fixed terminal connected to the telephone network [fig. 2].

Regarding claim 14, DeFazio discloses the terminal is a fixed terminal having access to the Internet [col. 7: line 67 – col. 3: line 2].

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Urban et al., US Patent Number 6,275,576, disclose a method and system for providing calling name identification requery.

Fleming, III, US Patent Number 6,597,772, discloses a method of programming telephone numbers and identifiers in multiple databases.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 703-308-0123. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG  
October 7, 2004

  
ERIKA A. GARY  
PRIMARY EXAMINER